

TIME RECORDS  
AND EXPENSESLa Liberte v. ReidSeptember, 2018

09/26/2018

JLL	OC and email exchange with J. Reichman regarding Joy Reid lawsuit; review of plaintiff's complaint dated 9/25/18; legal research and review of NY and CA case law and statutes governing defamation per se and choice of law principles; receipt and review of alleged defamatory publications by Joy Reid and related news articles about the same.	4.10
JHR	Email; review complaint; o/c's law clerk re research assignments; review cases on anti-SLAPP statute, republication	3.50
VU	Research re: CDA 230 protection if minor changes to third-party content.	2.30

09/27/2018

JLL	OC w/ J. Reichman regarding matter status, judge assignment, and application of California anti-SLAPP statute; telephone conference with Judge Irizarry's law clerk regarding matter status and case assignment; research and review of Chief Judge Irizarry's prior decisions; legal research and review of California anti-SLAPP statute and case law interpreting the same as well as deadlines and procedures for filing anti-SLAPP suit under NY and CA statutes; receipt and review of client's timeline and narrative of La Liberte case; email exchange with J. Reichman about the same.	5.00
JHR	Research re conflicts of law; California anti-SLAPP statute; presiding judge; email; TC SW	2.80

09/28/2019

JLL	Research and review of videos and online articles concerning La Liberte interviews and client's alleged defamatory publication; OC and email exchange w/ J. Reichman about the same and court deadlines for filing anti-SLAPP motion(s).	.30
JHR	Email; review CA case law;	1.00

## Recapitulation

<u>Timekeeper</u>	Hours
John H. Reichman	7.30
Vani Upadhyaya	2.30
Jason Libou	9.40

October, 2018

10/01/2018

JLL	Continue legal research and review of California anti-SLAPP statute, defamation per se, actual malice standard, effect of retraction(s), awards of actual, special, and exemplary damages, and case law interpreting same; OC and TC with J. Reichman, SW, and DK re: matter status, common interest agreement, and litigation strategy; receipt and review of 7/2/18 demand letter to J. Reid, 7/6/18 correspondence to D. Sternlicht re: potential offer of settlement, and spreadsheet tracking approximate factual timeline of client's publications	5.30
JHR	TC JR; prepare timeline; conf call SW, DL; o/c JL; review research.	2.80

10/03/2018

JHR	Email.	.10
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10/04/2018

JHR	Review cases re: anti-SLAPP statute re: procedure, evidence, etc.	2.00
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10/08/2018

JHR	Draft memorandum in support of motion to strike; review case law.	7.00
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10/10/2018

JLL	Receipt and review of motion for admission pro hac vice and suppt affidavits filed by plaintiff's counsel; OC and email w/ J. Reichman re same; further review of Judge Irizarry's Individual Practice Rules; legal research and review of federal case law re div of attorney fee awards as between meritorious anti-SLAPP suits and motions to dismiss for failure to state a claim.	2.20
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JHR	Email; review Judge's rules; review case law re public figures, malice	0.80
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10/11/2018

JLL	Legal research and review of CA case law interpreting what constitutes "actual malice" and matters of "public interest" in the context of defamation per se claims [anti-SLAPP motion]	0.80
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JHR	Draft brief; review CA Anti-SLAPP cases	0.50
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10/12/2018

JLL	Further review of exhibits to pl's complaint; email with J. Reichman re same	0.30
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JHR	Draft brief; review CA Anti-SLAPP Cases	4.00
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10/15/2018

JHR	Draft brief in support of motion to strike	1.20
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10/16/2018

	JLL	Research and review of recent California defamation case law; email w/ J. Reichman re: same [anti-SLAPP]	0.40
	JHR	Draft brief; review Trump/Daniels decision	1.50
10/19/2018			
	JLL	Legal research and review of federal statute governing time to serve summons and complaint; email w/J. Reichman re: same.	0.30
	JHR	Draft brief in support of motion to dismiss	2.00
10/24/2018			
	JLL	OC and email w/ J. Reichman re: service of process on J. Reid and deadline for answering / moving to dismiss plaintiff's complaint; legal research and review of local federal court rules re: same. Legal research and review of CA retraction statute and case law re: anti-SLAPP strike motions based on "fair use" doctrine, Communications Decency Act, and plaintiff's inability to prove damages	4.00
	JHR	TC JR; o/c JS re service questions; research re retraction, damages	1.50
10/25/2018			
	JLL	Legal research and review of CA case law re: anti-SLAPP motions to strike, mitigation of damages, proximate causation, and the Communications Decency Act	3.80
	JHR	Review documents from client; o/c JS re further research re defamation per se and damages; draft letter brief to court; draft brief	3.50
10/26/2018			
	JLL	Receipt and review of lawsuit documents served on client; OC and email w/ J. Reichman re: same; legal research and review of NY	

	statute governing service of process; draft notice of appearance	0.70
JHR	Email; draft brief	1.30
10/28/2018		
JLL	Further review of CA case law re: mitigation of damages, effect and admissibility of evidence of plaintiff's prior bad reputation or defamatory statements, and proximate causation	1.20
10/29/2018		
JLL	Further review of CA case law re: mitigation of damages, effect and admissibility of evidence of plaintiff's prior bad reputation or defamatory statements, and "of and concerning" requirement; receipt and review of service of process waiver form; OC and email w/ J. Reichman re: same	2.80
JHR	Draft letter to court re pre-motion conference; research Section 230 cases; controlling law	2.60
10/30/2018		
JLL	Email w/E. Silverman re: federal court precedent for interpretation of Communications Decency Act; further research and review of CA and NY cases re: "libel-proof plaintiff" doctrine, "incremental harm" doctrine, and "user" immunity provisions of CDA; revise draft letter to Judge Irizarry requesting pre-motion conference	4.20
10/31/2018		
JLL	Complete revisions to and citations for preliminary conference letter to Judge Irizarry; email w/ J. Reichman re: same	0.80

## Recapitulation

<u>Timekeeper</u>	<u>Hours</u>
John H. Reichman	30.8
Vani Upadhyaya	0
Jason Libou	26.80

November 2018

11/01/2018

JLL	Further revisions to letter to Judge Irizarry requesting pre-motion conference and review of case law interpreting CDA user immunity provisions; OC w/ J. Reichman re: same	1.50
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11/02/2018

JHR	Email; texts with JR; finalize letter to Court	0.50
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11/05/2018

JLL	Revise and finalize pre-motion conference letter to Judge Irizarry; OC and email w/ J. Reichman re: same; further review of CDA immunity case law.	0.80
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JHR	Review malice cases	0.30
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11/06/2018

JLL	E-filed defendant's notice of appearance, waiver of service of summons, and letter to Judge Irizarry requesting pre-motion conference; TC and email w/ J. Reichman and opp. counsel re: same.	0.70
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JHR	TC JR; texts	0.20
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11/07/2018

JLL	OC and email w/ J. Reichman re: matter status and filing of substitute notice of appearance; further review of Judge Irizarry's Individual Practice Rules.	0.40
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JHR	Filed notice of appearance	0.10
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11/13/2018

JLL	Further review of Judge Irizarry's Individual Practice Rules and EDNY local rules; OC and email w/ J. Reichman re: matter status and
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	Twitter /Instagram amicus briefs; receipt and review of plaintiff's letter in response to request for pre-motion conference.	1.00
JHR	Review plaintiff's letter; email; TC JR	0.60
11/14/2018		
JHR	TC LA; email	0.20
11/15/2018		
JHR	Email	0.10
11/16/2018		
JHR	Further review and analysis of Instagram post and the meaning of user; email	1.20
11/19/2018		
JHR	TC JR	0.20
11/20/2018		
JLL	Receipt and review of draft stipulation and order and proposed briefing schedule; email w/ opposing counsel and J. Reichman re: same	0.30
JHR	TC Taylor Wilson re draft stipulation; revise letter to Court	0.60
11/21/2018		
JLL	Email w/ J. Reichman re: additional research on actual malice standard, limited purpose public figures, and the treatment of republications under the Communications Decency Act; email w/ DK and SW re: social media post timeline and analysis.	0.30
JHR	Texts re Instagram posts; email re research assignments	0.40
11/23/2018		

JHR	Draft brief to dismiss and strike amended complaint; research re Section 230 application to Instagram post	2.00
11/26/2018		
JHR	Draft brief to dismiss and strike amended complaint; TC JR	1.50
11/27/2018		
JLL	Email w/ J. Reichman and opp counsel re: filing of plaintiff's amended complaint	0.20
JHR	Draft brief in support of motion to strike amended complaint; review amended complaint; email	2.40
11/29/2018		
JLL	Review of plaintiff's amended complaint and draft anti-SLAPP motion brief; research and review of social media posts and analytical tools and experts to measure virality and amplification; OC and email w/ J. Reichman re: same.	2.00
JHR	Email; draft brief	1.50
11/30/2018		
JLL	TC and email w/ social media analytics consultants re: matter status and potential representation of J. Reid; TC w/ J. Reichman re: same; receipt and review of updated research summary by V. Upadhyaya; create timeline / compilation of social media posts for virality / amplification; analysis.	3.40
VU	Research re: actual malice, statements of opinion, defamation liability, CDA 230 under California and NY law	4.50
JHR	Draft brief	4.00

## Recapitulation

Timekeeper

Hours



John H. Reichman	15.8
Vani Upadhyaya	4.50
Jason Libou	10.6

December 2018

12/03/2018

JLL	Follow up TC and email w/ social media analytics experts and J. Reichman re: potential scope of work and consulting agreements; further review of draft brief in support of defendant's anti-SLAPP motion; receipt and review of 6/29 audio recording of Tony Aaron interview with plaintiff.	3.40
JHR	Draft brief; o/c JL; TC: potential social media experts.	2.50

12/04/2018

JLL	TC and email w/ social media experts, client, and J. Reichman re: virality and amplification analysis and access to archived content via Twitter "pipeline".	2.20
JHR	Review of social media analysis; draft motion papers	4.50

12/05/2018

JLL	TC and email w/ social media expert and private investigator re: virality and amplification analysis; receipt and review of social media and online investigative report on Roslyn La Liberte; review of social media research and investigative proposals by D. Hoffman and The Hetherington Group; TC and email w/ J. Reichman and client re: same; draft retainer agreement for Oleander Consulting.	2.70
JHR	Multiple TCs and email; re proposed agreements with social media experts	0.60

12/06/2018

JLL	Finalize retainer agreement to Oleander Consulting; OC and email w/ J. Reichman and D. Hoffman re: matter status, litigation strategy, and proposed scope of cyber investigation report.	1.00
JHR	Email; review draft of Hoffman retainer agreement.	0.50
12/07/2018		
VU	Research re: defamation claims involving photographs; comments denouncing racism as protected opinion; limited public figures	4.20
JLL	Receipt and review of signed retainer agreement w/ Oleander Consulting and The Hetherington Group; TC and email w/ D. Hoffman and R. Kroenfeld re: amended scope of research and clarification and timeline	0.80
JHR	Draft brief; research, review first Amendment, cases, malice, governing law, section 230; email; review cases found by VU; TCs re: social media expert (including weekend).	12.00
12/10/2018		
JLL	TC and email w/ D. Hoffman and J. Reichman re: status of social media analytics and cyber investigation report; further review of audio recording of plaintiff's interview with T. Aaron II.	0.90
JHR	Draft brief; review videotapes of meetings and testimony.	5.50
12/11/2018		
JLL	Receipt and review of cyber investigation and social media investigation reports as well as draft evidentiary timeline; OC and email w/ D. Hoffman and J. Reichman re: same.	2.70

JHR	Draft brief and affidavits.	6.30
12/12/2018		
JLL	Further research and review of CA law re: "libel-proof plaintiff" and incremental harm doctrine; OC and email w/ J. Reichman re: same; TC and email w/ D. Hoffman and R. Kronenfeld re: cyber investigation report and proposed evidentiary timeline.	4.80
JHR	Draft memo papers; review of social media posts.	7.50
12/13/2018		
JLL	Receipt and review of amended cyber investigation report and edits/revisions to D. Hoffman and J. Reichman affidavits; TC and email w/ J. Reichman, D. Hoffman, and R. Kronenfeld re: same.	1.00
JHR	Draft motion papers.	7.00
12/14/2018		
VU	Edited and cite-checked brief; created TOA and TOC	6.30
JLL	Review and revise memorandum of law and supporting affidavits; compile motion exhibits, table of contents, table of authorities, and visual aides; OC and email w/J. Reichman and V. Upadhyaya re: same; cite check governing statutes and case law; further review of amended complaint and HG cyber investigation report.	6.30
JHR	Finalize papers; TC JR; O/C JL.	2.30
12/15/2018		
JLL	Continue to revise affidavits of J. Reichman and D. Hoffman; further review of J. Reid timeline/research, cyber investigation report,	

	plaintiff's amended complaint, and Oleander social media activity report for R. La Liberte; email w/ J. Reichman re: same.	2.40
12/16/2018		
JLL	Further review and revise defendant's memorandum of law in support of client's motion to dismiss / strike.	1.80
12/17/2018		
JLL	Revise and finalize memo of law and affidavits in support of client's motion to strike/dismiss; draft notice of motion; compile exhibits to witness affidavits; OC and email w/ J. Reid, D. Hoffman, and J. Reichman re: same; further review of Chief Judge Irizarry's Individual Practice Rules; draft cover letter for delivery of motion to Chief Judge Irizarry; email w/ opposing counsel re: matter status and filing of defendant's anti-SLAPP motion.	6.00
JHR	Finalize motion papers.	0.30
12/18/2018		
JLL	Email w/ J. Reichman and opposing counsel re: request for consent to limited discovery pending determination of anti-SLAPP motion; research and review of CA case law, statutes, and local court rules re: same.	0.40
JHR	Email; research re: right to discovery.	1.00
12/19/2018		
JLL	Receipt and review of proposed joint letter re: briefing schedule and stipulation/order re: proposed motion to strike; email w/ J. Reichman, T. Wilson, and L. Wood re: same.	0.20
JHR	Email; stipulation.	0.20

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>
John H. Reichman	50.20
Vani Upadhyaya	10.50
Jason Libou	36.60

January 2019

01/04/2019

JLL	Review of EDNY docket and 12/21/18 order granting motion for extension of time to file opposition to defendant's anti-SLAPP motion.	0.20
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01/08/2019

JLL	Receipt and review of plaintiff's 1/7/19 letter to Judge Irizarry and attorney declaration requesting pre-motion discovery on issue of actual malice; research individual motion practice rules and local EDNY rules re: same; OC and email w/ J. Reichman re: same; draft letter to judge confirming extension of time to respond to 1/7/19 discovery letter until 1/18/19.	1.30
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JHR	Review letter motion and affidavit; email; o/c JL; draft response; texts; anti-SLAPP research	3.00
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01/09/2019

JHR	Draft letter brief and affidavit re: plaintiff's discovery application	3.30
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01/10/2019

JHR	Review decision; email	0.10
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01/14/2019

JLL	Receipt and review of Judge Irizarry's 1/11/19 order denying p's request for pre-motion discovery; email w/ J. Reichman re: same; email w/ opposing counsel re: service of p's opposition to d's anti-SLAPP motion.	0.40
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JHR	Review answering papers; email	1.30
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01/15/2019

JLL	Further review of local EDNY and individual practice part rules for Judge Irizarry; legal research and review of federal case law re: objections to form and length of briefs; draft letter to Judge Irizarry re: d's objection to form of p's memo of law; OC and email w/ J. Reichman and opposing counsel re: same	1.90
JHR	Draft reply brief; draft letter to court re plaintiff's MOL	3.40

01/16/2019

JLL	OC and email w/ J. Reichman re: details of p's interview w/ Tony Aaron and outline of legal research for reply brief.	0.60
JHR	Draft reply brief; review cited cases; email	1.50

01/17/2019

JLL	Review of p's brief in opposition to d's motion to dismiss/strike; OC and email w/ J. Reichman, D. Hoffman, and R. Kronenfeld re: same; receipt and review of p's reply letter re: d's objection to form of opposition brief.	1.20
JHR	Review and research anti-SLAPP cases; draft reply brief	2.00

01/18/2019

JLL	Continue review of p's brief in opposition to d's motion to dismiss/strike; OC and email w/ J. Reichman re: same and add'l research points for reply brief.	1.00
VU	Research re: considering extrinsic evidence on 12(b)(6) motions	5.30
JHR	Draft reply brief; O/C VA re research assignments; review cases, research re anti-SLAPP, judicial notice, constitutionality, etc.	5.00

01/21/2019

JHR	Draft reply brief; review cases and research re malice issues; TC JR	2.50
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01/22/2019

JHR	Draft reply brief; research re recent anti-SLAPP decisions	4.20
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01/23/2019

JLL	Review of draft reply brief; OC and email with J. Reichman re: same	0.50
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JHR	Draft reply brief	2.80
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01/24/2019

JLL	Revisions to draft reply memorandum of law; further review of p's opposition brief; legal research and review of NY and CA statutes and case law re: limited purpose public figures.	3.60
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JHR	Email; review WAPO article; finalize brief	2.10
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01/25/2019

JLL	Revise and finalize d's reply brief; further review of p's opposition brief and affidavits filed in support of d's motion to dismiss/strike; OC and email w/J. Reichman re: same; legal research and review of federal statutes re: Erie doctrine, judicial notice, limited purpose public figures, an standards governing determination of anti-SLAPP motions.	5.00
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VU	TOC and TOA edits + cite checks	1.50
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JHR	Review and finalize reply brief; review public figure cases	1.00
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01/27/2019

JLL	Email w/ J. Reichman re: final revisions to draft reply brief	0.30
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01/28/2019

JLL	Finalize defendant's reply brief and prepare the same for e-filing; email w/ J. Reichman and D. Hoffman re: same	0.40
JHR	Finalize brief; email	0.50

01/29/2019

JLL	Receipt and review of 1/29 order striking plaintiff's opposition brief for failure to comply with formatting and length reqs; OC and email w/ J. Reichman re: same; draft cover letter to Judge Irizarry re: courtesy copy of d's reply brief.	0.60
JHR	Review decision re brief; email	0.10

01/30/2019

JLL	Receipt and review of plaintiff's amended, re-formatted brief in opposition to defendant's motion and cover letter to Judge Irizarry re: same; email w/ opposing counsel re: same; create and compare redline version of original and revised memos of law filed by plaintiff.	0.50
JHR	Email; review revised brief	1.20

## Recapitulation

<u>Timekeeper</u>	Hours
John H. Reichman	34.00
Vani Upadhyaya	6.8
Jason Libou	17.50

February 2019

02/04/2019

JLL	Receipt and review of 2/4 correspondence from p's counsel to CA Judicial Council; research and review of CA anti-SLAPP statutory notice requirement about same: email w/ J. Reichman re: same.	0.30
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JHR	Email	0.10
02/05/2019		
JLL	Follow up TC w/ Judicial Council of California and J. Reichman re: applicability of anti-SLAPP statute notification provisions to out-of-state cases.	0.30
JHR	Review plaintiff's filing.	0.10
02/11/2019		
JLL	OC J. Reichman re: revisions to d's reply brief.	0.20
02/14/2019		
JLL	E-file notice of appearance; email w/ EDNY clerk re: confirmation of filing.	0.20
JHR	Draft reply brief.	1.00
02/15/2019		
JLL	Revise and finalize d's reply memo of law in support of anti-SLAPP motion and prepare the same for e-filing; OC and email w/J Reichman and EDNY clerk re: same.	1.80
JHR	Finalize brief	0.30

## Recapitulation

<u>Timekeeper</u>	Hours
John H. Reichman	1.5
Jason Libou	2.8

**2018 Attorney Fee Summary (Sept. – Dec. 2018)**

<u>Timekeeper</u>	<u>Hours</u>	<u>Total</u>
John H. Reichman (\$650/hr)	139.6	\$67,665
Vani Upadhyaya (\$170/hr)	17.3	\$2,941
Jason Libou (\$375/hr)	83.4	\$31,275
2018 Total:	240.3	\$101,881

**2019 Attorney Fee Summary (Jan. – Feb. 2019)**

<u>Timekeeper</u>	<u>Hours</u>	<u>Total</u>
John H. Reichman (\$650/hr)	35.5	\$23,075
Vani Upadhyaya (\$170/hr)	6.8	\$1,156
Jason Libou (\$390/hr)	20.3	\$7,917
2019 Total:	62.6	\$32,148
<b>Total Hours &amp; Fees:</b>	<b>302.9</b>	<b>\$134,029</b>
<b>Blended Hourly Rate - \$442.48</b>		

**Expenses**

Oleander Consulting, LLC	\$5,307.66
Local Transportation	<u>\$129.12</u>
<b>Total Expenses:</b>	<b>\$5,436.78</b>